

#### FORMALITIES

The Applicants note that a Supplemental Information Disclosure Statement (the "IDS") was mailed to the USPTO on May 31, 2002 and date-stamped acknowledging receipt on June 1, 2002. However, the Examiner has not provided the Applicants with an initialed copy of the Form PTO-1449 indicating that he has considered the four references provided with the IDS. Accordingly, the Applicants respectfully request that the Examiner consider the four references before his next Office Action and provide the Applicants with a copy of the Form PTO-1449 that has been duly initialed.

#### REMARKS

Claims 1 through 17 are pending in the subject application. Claims 4-6 and claims 13-17 have been withdrawn. Claims 1, 2, and 7 stand rejected under 35 U.S.C. 102(b). Claim 3 and claims 8-12 stand rejected under 35 U.S.C. 103(a). Claim 1 has been amended.

The Applicants appreciate the Examiner's thorough examination of the subject application and, moreover, appreciate the Examiner's granting a telephone interview on December 10, 2003. The Applicants, however, respectfully request reconsideration of the subject application based on the above amendments and the following remarks.

#### 35 U.S.C. § 102(b) REJECTION

The Examiner rejected claims 1, 2, and 7 under 35 USC 102(b) as being anticipated by Japanese Laid-Open Patent Application 3-224182 ("Japan '182"). Applicants respectfully traverse these rejections for reasons detailed below.

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The invention as claimed teaches an optical disk cartridge comprising an optical disk 101 and a notched cartridge case 3. As recited in claim 1, the notch, or notched area 10 is provided only on the front portion of the cartridge case 3. The notched area 10 allows a head arm 131, which is connected to the magnetic head 125 and the optical pickup unit, to approach the optical disk 101 and to move within the notched area substantially perpendicular the direction of insertion. See, e.g., FIG. 15b.

The Examiner asserts that Japan '182 teaches a notch 27 and/or 35 that allows an arm of the disk driving device to approach the optical disk when the disk cartridge is inserted in the disk driving device, maintaining that, "the notches 27 and 35 **allow** an arm which carries an optical head **approaching** the medium/disk." (Emphasis in original) In the aforementioned telephone interview, the Examiner explained that claim terms "notch" and "side face" needed better definition to distinguish over the Japan '182 reference.

The Applicants have amended claim 1 and believe the claim is not anticipated by Japan '182 and, further, satisfies the requirements of 35 U.S.C. 100, et seq., especially § 102(b). As such, the Applicants believe that claim 1 and all claims depending therefrom are allowable. Moreover, it is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

#### 35 U.S.C. § 103(a) REJECTION

The Examiner has rejected claim 3 under 35 USC 103(a) as being unpatentable over Japan '182 and claims 8-12 under 35 USC 103(a) as being unpatentable over Japan '182 in view of U.S. Patent No. 5,381,402 to Fujiwara, et al. ("Fujiwara" or the "Fujiwara Reference"). The Applicants respectfully traverse these rejections for reasons detailed below.

Claim 3 depends from claim 1. Hence, for the reasons provided above showing that Japan '182 does not anticipate the invention as claimed, Japan '182 also cannot make the present invention obvious. Therefore, it is respectfully submitted that, for the foregoing reasons, claim 3 is not made obvious by Japan '182 and, further, satisfies the requirements of 35 U.S.C. 100, et seq., especially § 103(a).

With respect to claims 8-12, which also depend from claim 1, for the reasons provided above showing that Japan '182 does not anticipate the invention as claimed, Japan '182 also cannot make the present invention obvious. Nor can the Fujiwara reference make up for the deficiencies of Japan '182 because Fujiwara does not teach, mention or suggest the notched cartridge case of the invention as claimed. Therefore, it is respectfully submitted that, for the foregoing reasons, claims 8-12 are not made obvious by Japan '182 and, further, satisfy the requirements of 35 U.S.C. 100, et seq., especially § 103(a).

Accordingly, the Applicants believe that claim 3 and claims 8-12 are allowable. Moreover, it is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

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The Applicants believe that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: February 9, 2004

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